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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 GEORGE LUSTER,
9

10 *Plaintiff,*

11 vs.

12 DWIGHT NEVEN, *et al.*

13 *Defendants.*

2:10-cv-01661-GMN-PAL

14 ORDER

15 This removed *pro se* prisoner civil rights action comes before the Court on plaintiff's
16 third motion (#16) for enlargement of time, in which he seeks an additional fourteen days to
17 file an amended complaint.

18 Petitioner maintains that he needs additional time because: (a) he allegedly had to
19 prepare a motion to reopen the habeas matter in No. 2:04-cv-00334-RLH-RJJ, "totaling 77
20 pages with exhibits," after receiving the state supreme court's order of affirmance on March
21 30, 2011; and (b) prison authorities allegedly have impeded his access to the law library.

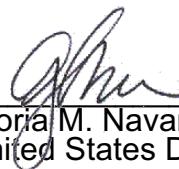
22 Plaintiff is represented by appointed federal habeas counsel in No. 2:04-cv-00334.
23 The Court therefore ordered that his *pro se* motion to reopen be stricken from that record.
24 The Court further admonished plaintiff that if he continued to file papers *pro se* therein that
25 sanctions, including potentially dismissal, may be imposed. The Court additionally noted that
26 there was no valid reason for plaintiff to file the motion *pro se* rather than proceeding through
27 counsel because the deadline for filing the motion to reopen did not expire until May 27, 2011,
28 forty-five days after the issuance of the remittitur.

1 Plaintiff thus has had ample time and opportunity to file an amended complaint herein.
2 Any alleged interference with his law library access clearly has not caused him to be unable
3 to file an amended complaint herein, as he was able to file "77 pages with exhibits" in the
4 other action despite there being absolutely no need to do so. Put simply, if plaintiff had been
5 doing what he was supposed to be doing rather than what he was not, there would be no
6 need to request a further extension in this case.

7 The Court nonetheless will grant this, final, extension request. No further extension
8 requests will be entertained. If plaintiff fails to meet the deadline, the Court then will proceed
9 to appropriate action as to the pendent state law claims that remain.

10 IT THEREFORE IS ORDERED that plaintiff's motion (#16) for an enlargement of time
11 is GRANTED, such that plaintiff shall have up to and including **April 25, 2011**, within which
12 to mail an amended complaint to the Clerk for filing. **No further requests for extension of**
13 **time will be entertained. THIS IS THE FINAL EXTENSION OF THE DEADLINE.**

14 DATED this 22nd day of April, 2011.

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18 Gloria M. Navarro
19 United States District Judge
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